

103D CONGRESS
1ST SESSION

H. R. 1234

To provide that positions held by civilian technicians of the National Guard be made part of the competitive service.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1993

Mr. QUILLEN introduced the following bill; which was referred jointly to the Committees on Armed Services and Post Office and Civil Service

A BILL

To provide that positions held by civilian technicians of the National Guard be made part of the competitive service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENTS MAKING CERTAIN CIVILIAN PO-**
4 **SITIONS IN THE NATIONAL GUARD PART OF**
5 **THE COMPETITIVE SERVICE.**

6 Section 709 of title 32, United States Code, is
7 amended—

8 (1) by amending the second sentence of sub-
9 section (d) to read as follows: “A position authorized

1 by this section is within the competitive service, as
2 defined by section 2102 of title 5.”;

3 (2) by striking paragraphs (3) through (6) of
4 subsection (e) and inserting the following:

5 “(3) a right of appeal which may exist with re-
6 spect to paragraph (1) or (2) shall not extend be-
7 yond the adjutant general of the jurisdiction con-
8 cerned.”;

9 (3) by adding “and” at the end of subsection
10 (e)(2); and

11 (4) by striking subsection (f) and redesignating
12 subsections (g) and (h) as subsections (f) and (g),
13 respectively.

14 **SEC. 2. EFFECTIVE DATE; TREATMENT OF PRIOR SERVICE.**

15 (a) **EFFECTIVE DATE.**—This Act, and the amend-
16 ments made by this Act, shall take effect 60 days after
17 the date of the enactment of this Act.

18 (b) **TREATMENT OF PRIOR SERVICE.**—(1)(A) Any
19 period of service performed under section 709 of title 32,
20 United States Code (or a prior corresponding provision of
21 law) before the effective date of this Act shall be consid-
22 ered a period of service performed in a position within the
23 competitive service for purposes of any determination re-
24 lating to an individual’s—

25 (i) tenure or status;

1 (ii) order of retention in a reduction in force; or
2 (iii) eligibility for coverage under subchapter I
3 or II of chapter 75 of title 5, United States Code
4 (relating to adverse actions).

5 (B) Subparagraph (A) shall apply only in the case
6 of a person who performs service under section 709 of title
7 32, United States Code, on or after the effective date of
8 this Act.

9 (C) Nothing in this Act, or in any amendment made
10 by this Act, shall affect the validity of any appointment
11 to a position under section 709 of title 32, United States
12 Code, made before the effective date of this Act.

13 (2) For purposes of this subsection, the term “com-
14 petitive service” has the meaning given such term by sec-
15 tion 2102 of title 5, United States Code.

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